

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CLARENCE WOOTEN,

Plaintiff,

v.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS
CITY, KANSAS,**

Defendant.

CIVIL ACTION

No. 03-2138-CM

MEMORANDUM AND ORDER

On March 15, 2004, the court entered the final Pretrial Order governing this case. A week after issuance of the final Pretrial Order, plaintiff, who appears pro se, asked that additional allegations be added. *See* Plaintiff's Motion to Amend Pretrial Order (Doc. 46). On April 27, 2004, this court issued a Memorandum and Order (Doc. 48) (the Order) denying plaintiff's motion to amend. Specifically, the court pointed out that, in preparing the proposed Pretrial Order, plaintiff apparently provided to the Unified Government additions, revisions, and changes to some ten different sections of the Pretrial Order, none of which requested the amendments at issue. Additionally, the court held the final Pretrial Conference on February 27, 2004, at which plaintiff failed to appear. Finally, after the Pretrial Conference, the proposed Pretrial Order was distributed to the parties, and plaintiff again suggested revisions (Doc. 44), none of which included the specific

amendments now at issue. Accordingly, plaintiff was provided at least three separate opportunities to submit the changes at issue.

Plaintiff has filed a Response to Defendant's Opposition to Plaintiff's Motion to Amend the Pretrial Order (Doc. 49). Because plaintiff filed this pleading after the court issued the Order, the court will construe plaintiff's pleading as a motion for reconsideration.

Plaintiff's brief merely recites the contents of his May 9, 2004 letter suggesting changes to the proposed Pretrial Order (Doc. 44), which the court already considered in the Order.

Foremost, the court notes that plaintiff's Motion to Amend the Pretrial Order did not request the same amendments as his May 9, 2004 letter. Thus, plaintiff has waived his opportunity to amend the Pretrial Order.

However, to the extent the court construes as similar in both documents plaintiff's requested amendments, the court points out that Magistrate Judge O'Hara referred to plaintiff's May 9, 2004 letter in the Pretrial Order and expressly denied plaintiff's requested changes. (Pretrial Order, at 2-3 n.3). The court declines to disturb Magistrate Judge O'Hara's ruling on this issue. Plaintiff's request for reconsideration is denied.

In the Order, the court directed plaintiff to file a response to defendant's Motion for Summary Judgment on or before May 10, 2004. Plaintiff failed to abide by this court-imposed deadline. However, given plaintiff's pro se status, the court grants plaintiff a **final** extension of time in which to respond. Plaintiff is hereby directed to file a response to defendant's motion on or before May 24, 2004. **Should plaintiff fail to timely file a response, defendant's Motion for Summary Judgment (Doc. 45) will be considered without the benefit of a response from**

plaintiff. Absent extraordinary circumstances, the court will grant no further extensions of time in which to respond to defendant's motion.

IT IS SO ORDERED.

Dated this 14th day of May 2004, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge